

State of South Dakota

EIGHTY-SEVENTH SESSION LEGISLATIVE ASSEMBLY, 2012

571T0246

SENATE BILL NO. 185

Introduced by: Senators Buhl, Adelstein, Frerichs, Hundstad, Nygaard, Sutton, and Tieszen
and Representatives Killer, Blake, Fargen, Hawley, Jones, and Lucas

1 FOR AN ACT ENTITLED, An Act to provide an exception from the statutory requirements for
2 persons taking steps towards self-employment and to allow them to collect unemployment
3 compensation.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That chapter 61-6 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 Notwithstanding any other provisions in this chapter, no otherwise eligible person may be
8 denied benefits for any week because the person is taking steps towards self-employment as a
9 participant of the self-employment assistance program by reason of the application of § 61-6-2
10 relating to availability of work, or the provisions of § 61-6-15 relating to failure to apply for, or
11 to accept suitable work.

12 Section 2. That chapter 61-6 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 The department shall develop and implement a self-employment assistance program to allow
15 unemployed individuals likely to exhaust regular unemployment benefits to collect a self-



1 employment assistance allowance while taking steps toward self employment. The self-
2 employment assistance allowance shall be paid at the same rate and shall be payable to an
3 individual at the same intervals and on the same conditions and terms as regular unemployment
4 benefits except that participants in the program are not subject to the provisions in §§ 61-6-2
5 and 61-6-15 relating to the failure to apply for or accept suitable work.

6 Section 3. That chapter 61-6 be amended by adding thereto a NEW SECTION to read as
7 follows:

8 A person participating in the self-employment assistance program is considered unemployed
9 for purposes of unemployment benefits.

10 Section 4. That chapter 61-6 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 To be eligible for participation in the self-employment assistance program, a person shall:

- 13 (1) Be otherwise eligible for unemployment benefits under chapter 61-6;
- 14 (2) Be likely to exhaust regular unemployment benefits;
- 15 (3) Submit a business plan, including a financial plan, to the department within thirty
16 days of being accepted into the program; and
- 17 (4) Actively participate in self-employment assistance activities or engage in activities
18 establishing a business on a full-time basis and report progress to the department as
19 requested.

20 Section 5. That chapter 61-6 be amended by adding thereto a NEW SECTION to read as
21 follows:

22 The department shall promulgate rules pursuant to chapter 1-26 related to the
23 implementation and administration of the provisions of this Act including approved self-
24 employment activities, business and financial plan requirements, and progress reports. The rules

1 the department promulgates shall comply with rules and policies of the United States
2 Department of Labor.

3 Section 6. That chapter 61-6 be amended by adding thereto a NEW SECTION to read as
4 follows:

5 The provisions of this Act are repealed the Saturday preceding the date when federal law no
6 longer authorizes the provisions of this Act.